

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Sandy Olive §
Plaintiff, §
v. § CIVIL ACTION NO. _____
Delta Group Electronics §
Defendant. §

Plaintiff's Original Complaint

Plaintiff Sandy Olive ("Olive" or "Plaintiff") files this Original Complaint against Delta Group Electronics ("Company" or "Defendant") and shows:

Parties

1. Plaintiff Sandy Olive is an individual citizen of Texas and a resident of Dallas County, Texas.
2. Defendant Delta Group Electronics is a foreign corporation doing business in Texas. It may be served by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

Venue and Jurisdiction

3. Venue is proper in Dallas County because all or a substantial part of the events or omissions establishing the claims occurred in Dallas County.
4. This Court has federal jurisdiction over the claims asserted the Equal Pay Act, 29 U.S.C. § 206(d).

Factual Background

5. Olive is currently employed by Delta Group Electronics as a General Manager. Olive is one of four General Managers employed by Company.

6. The General Managers all share the same job description and perform the same duties for the Company. A General Manager is responsible for managing the production, procurement, sales and other supporting operations for the assigned facility by performing specified duties either personally or through subordinate managers.

7. Olive is the only female General Manager employed by Company.

8. Olive has been and is paid less than the male General Managers.

9. Olive's base salary has been and is lower than the male General Managers.

10. In May 2016, Olive's base salary was reduced to an even lower amount. Olive was told that her base salary was reduced because the Grand Prairie facility was not meeting certain Company benchmarks. However, other Company facilities were also not meeting the Company benchmarks. Yet, the Company did not reduce the base salary of the male General Managers.

11. Olive submitted a resignation letter. Her last day of employment will be on March 3, 2017.

12. Olive filed a Charge of Discrimination with the Equal Employment Opportunity Commission alleging gender discrimination on February 10, 2017. Olive does not sue for gender discrimination under Title VII and Texas Labor Code Chapter 21 at this time because her Charge has not been pending for over 180 days and she cannot request a Notice of Right to Sue from the EEOC at this time. However, Olive does intend to request

the Notice of Right to Sue from the EEOC when possible. Olive will seek leave to amend this lawsuit and assert those additional claims at that time.

Causes of Action

Equal Pay Act Claim

13. Olive incorporates the preceding paragraphs as if fully restated.
14. Olive is one of four General Managers. Olive is the only female General Manager. All of the General Managers share the same job duties and perform the same tasks for Company. The work of the General Manager requires equal skill, effort and responsibility and is performed under similar working conditions.
15. Olive has been and continues to be paid less than the male General Managers despite the fact that she performs equal work on jobs, the performance of which requires equal skill, effort and responsibility and is performed under similar working conditions.
16. Company has no legitimate non-discriminatory basis for the disparity in compensation between that paid to Olive and the male General Managers.
17. Because Company pays different wages to employees of opposite sexes for equal work on jobs, the performance of which required equal skill, effort, and responsibility and which were performed under similar working conditions, Company is in violation of the Equal Pay Act, 29 U.S.C. § 206(d).
18. Oliver has been damaged by Company's unequal payments of wages and seeks to recover all damages she has suffered because of Company's violations of the Equal Pay Act including back pay, liquidated damages, attorney's fees and costs under 29 U.S.C. § 216(b).

**Notice of Pending Claim for Sex Discrimination under
Title VII and Texas Labor Code Chapter 21.**

19. Olive incorporates the preceding paragraphs as if fully restated.

20. Olive filed a Charge of Discrimination with the EEOC on February 10, 2017. Olive cannot yet bring a claim under Title VII or Texas Labor Code Ch. 21 because she has not yet exhausted her administrative remedies for such claim. However, Olive notifies the Court that she intends to seeks her Notice of Right to Sue from the EEOC when she is legally able to do so. After Olive receives that Notice of Right to Sue from the EEOC, Olive intends to seek leave to amend this Company to assert sex discrimination claims under Title VII and Texas Labor Code Chapter 21.

Jury Trial

21. Olive demands a trial by jury.

Prayer

WHEREFORE, Plaintiff Sandy Olive prays this Court enter a judgment declaring the acts and practices of Defendant violate the Equal Pay Act and award Plaintiff the relief sought and enter such other and further relief to which Plaintiff is just entitled.

Respectfully submitted,

/s/ Karen K. Fitzgerald
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Attorney for Plaintiff Sandy Olive

Consent to Join Lawsuit

I give my consent to participate in this lawsuit alleging a claim under 29 U.S.C. § 206(d).

/s/ Sandy Olive
Sandy Olive